IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL REVISION APPLICTION NO.181 OF 2004

Mrs.Anjana Sunil Biswas. .. .. Petitioner
(Orig. Petitioner)

v/s.

Shri Sunil Ranjan Biswas. .. .. Respondent
(Orig. Respondent)

Mr.S.V. More for Petitioner.

CORAM : S.B. MHASE &
R.S. MOHITE, JJ.
DATED : 11th October 2004

P.C. :

1. Heard. This is a wife's Petition which is filed being aggrieved by the order dated 19.1.2004 passed in P.E. No.24 of 2003 under Section 125 of the Code of Criminal Procedure by the Family Court, Pune. In the Application, which is filed under Section 125 by the present Petitioner-wife, she has admitted that first marriage of the Respondent was subsisting at the time of her marriage and from the said marriage, the Petitioner and the Respondent are having two issues. However, she claims that the fact of existing of the first marriage was not disclosed when the marriage was performed and, therefore, she claims maintenance under Section 125 of the Code of Criminal Procedure. On these facts, the

Family Court has concluded that the marriage is not legal one and, therefore, refused the maintenance.

2. The Petitioner-wife has not claimed maintenance for children. Therefore, the claim for maintenance is limited only to herself and that has been rightly rejected by the Family Court. No interference is called for. Petition is rejected.

(R.S.MOHITE, J.) (S.B.MHASE, J.)